

W44

**DATE:** 6/13/01

**LEGAL DESCRIPTION:** See attached legal descriptions.

**SIZE:** Change of Zone #3326 3.07 acres  
Special Permit #572E 33.05 acres

**EXISTING ZONING:** R-3, Residential

**EXISTING LAND USE:** Multifamily dwelling and elderly housing units

**SURROUNDING LAND USE AND ZONING:** R-3, Residential with an Early Childhood Care Facility is located on the southeast corner of 60<sup>th</sup> & Normal, R-2, Residential with single family, and playhouse to the north, P-Public with a public library to the north. R-2, Residential with a domiciliary care facility and P-public with a park to the east. R-2, Residential with single family residential to the south and west.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan specifies this area as Urban Residential.

**HISTORY:**

On **November 15, 1971** City Council approved Special Permit #572 to develop a community unit plan east of 56<sup>th</sup> Street and south of Normal Blvd. with 216 dwelling units.

The area was zoned A-2 Residential until the zoning update of 1979 when the zone was updated to R-2 Residential.

On **August 25, 1986**, City Council approved Special Permit #572B which amended the special permit to increase the number of dwelling units to 292 within the Thomasbrook CUP.

On **August 25, 1986** City Council approved Change of Zone #2273 changing the zone of Thomasbrook CUP from R-2 to R-3 in order to increase the maximum allowed dwelling units.

On **June 1, 1987** City Council approved Special Permit #572C which amended the special permit to construct 30 elderly retirement dwelling units within the Thomasbrook CUP.

On **June 1, 1987** City Council approved Special Permit #572D which amended the special permit to increase dwelling units to 302 units within the Thomasbrook CUP of which 30 are reserved for elderly and retirement housing.

On **June 1, 1987** City Council approved Special Permit #1226 for an Early Childhood Care Facility at 6001 Normal Boulevard.

On **June 15, 1992** City Council approved Special Permit #1226A to amend the special permit to increase the number of children which may be cared for from 50 to 110.

**SPECIFIC INFORMATION:**

**UTILITIES:** Utilities are available.

**TRAFFIC ANALYSIS:** South 56<sup>th</sup> Street and Normal Boulevard are both classified as Urban Minor Arterial streets in the Comprehensive Plan, South 60<sup>th</sup> Street is classified as a local street in the Comprehensive Plan.

**PUBLIC SERVICE:** Fire station #1 is nearest to Thomasbrook, located at 48<sup>th</sup> and A Street.

**ANALYSIS:**

1. Changing the Zone to R-4 to allow the existing number of units will not affect fire safety;
2. Public health, safety, and general welfare will not be adversely affected because of this request;
3. This request is compatible with the Comprehensive Plan.
4. As long as the number of units remains the same, the application is acceptable;
5. This request will reduce the amount of available open space for recreational purposes.
6. This request will increase the density calculation to allow for 306 dwelling units. The special permit, however, is still bound by the approved number of 293 dwelling units.
7. The request is compatible with the surrounding land uses. No new units will be approved or constructed with this request. This request is to reconfigure the boundaries of the community unit plan and allow the existing number of dwelling units to remain. The CUP will have a reduced amount of open space for passive recreation, however it is believed that this piece of land is not widely used by the residents of the community unit plan.
8. The Public Works and Utilities Department has no objections to this request.

**STAFF RECOMMENDATION:**

Change of Zone #3226  
Special Permit # 572E

Approval  
Conditional Approval

**CONDITIONS FOR SPECIAL PERMIT #572E:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 The boundary survey must be signed by a registered surveyor or registered engineer (sheet 1 of 6).
- 1.2 Remove the Planning Commission approval certificate.
- 1.3 Correct the Legal Description(sheet 1 of 6).
- 1.4 Revise the plan to indicate that any relocation of existing facilities will be at the owner/developer's expense.
- 1.5 The Parks and Recreation Department indicated that the amendment of the CUP may allow review of street trees along Normal Boulevard, S. 60<sup>th</sup> street and Van Dorn Street for compliance with current standards.
- 1.6 Submit a revised landscape plan showing existing trees and trees to be planted.
- 1.7 The Parks and Recreation Department indicated that if new trees are to be planted Austrian Pine should not be planted due to serious tip blight disease problems and recommends the use of Colorado Blue Spruce.

2. This approval permits the reduction of the land area of Thomasbrook CUP.

**STANDARD CONDITIONS:**

4. The following conditions are applicable to all requests:

- 4.1 All development and construction shall be in compliance with the approved plans.

- 4.2 All privately-owned improvements shall be permanently maintained by the owner.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The City Clerk shall file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee shall pay the recording fee in advance.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

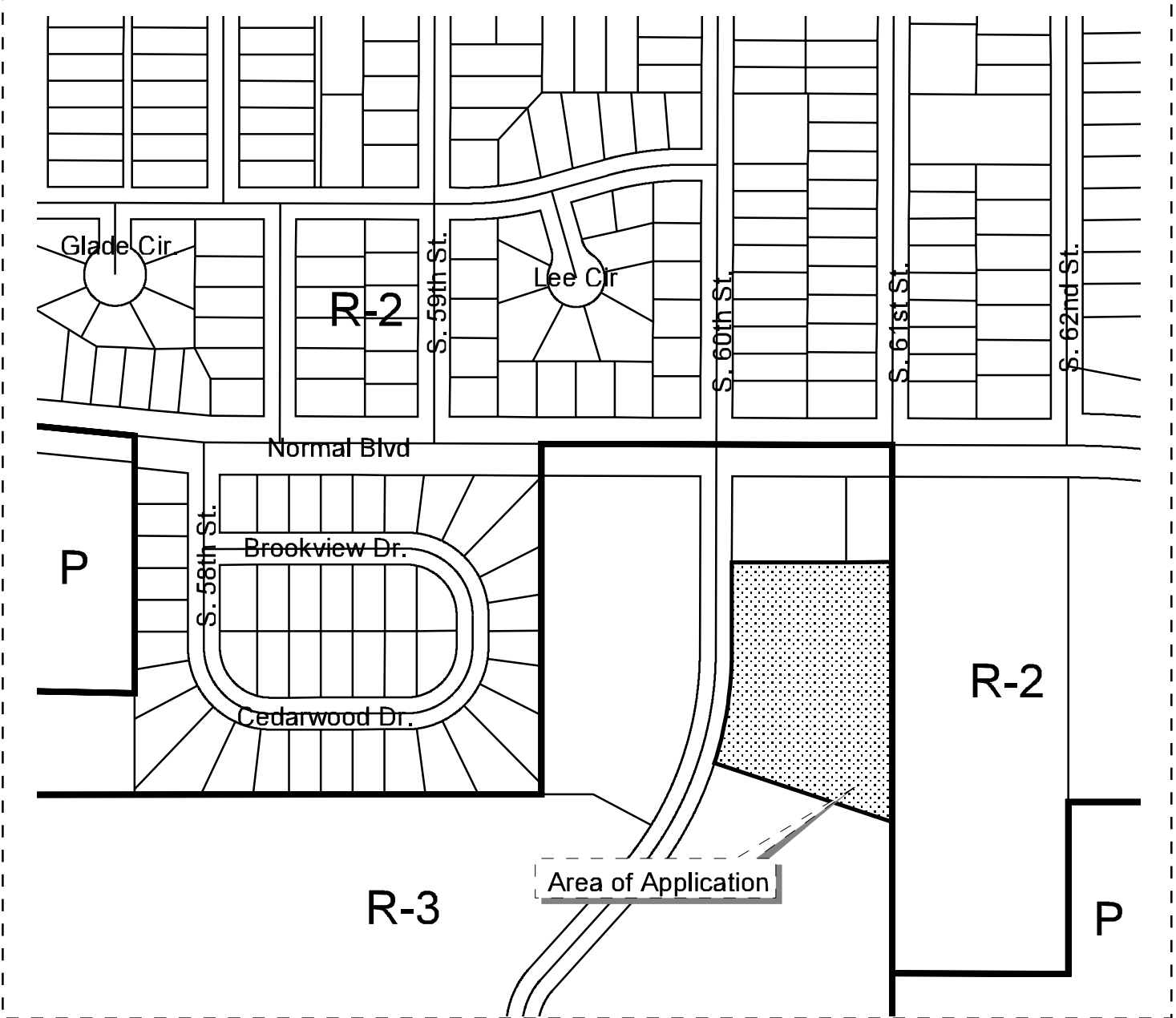
Prepared by:

Becky Horner  
Planner



**Change of Zone #3326**  
**60th & Normal Blvd.**  
**from R-3 to R-4**

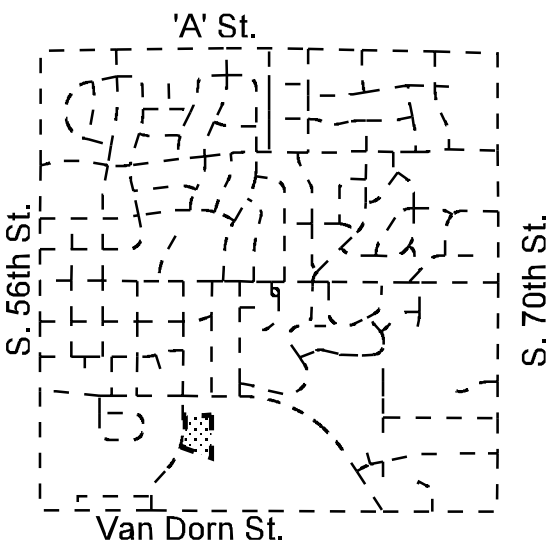
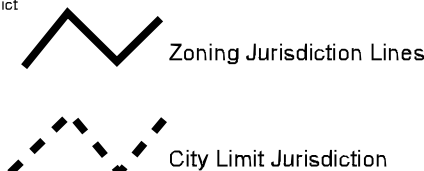




# **Change of Zone #3326** **60th & Normal Blvd.** **from R-3 to R-4**

- Zoning:**
- R-1 to R-8 Residential District
  - AG Agricultural District
  - AGR Agricultural Residential District
  - R-C Residential Conservation District
  - O-1 Office District
  - O-2 Suburban Office District
  - O-3 Office Park District
  - R-T Residential Transition District
  - B-1 Local Business District
  - B-2 Planned Neighborhood Business District
  - B-3 Commercial District
  - B-4 Lincoln Center Business District
  - B-5 Planned Regional Business District
  - H-1 Interstate Commercial District
  - H-2 Highway Business District
  - H-3 Highway Commercial District
  - H-4 General Commercial District
  - I-1 Industrial District
  - I-2 Industrial Park District
  - I-3 Employment Center District
  - P Public Use District

One Square Mile  
 Sec. 33 T10N R7E



CHANGE OF ZONE #3326  
THOMASBROOK COMMUNITY UNIT PLAN  
PROPOSED ZONING

CHANGE OF ZONE R-3 TO R-4

A legal description of a portion of Lot 2, Block 1, Thomasbrook Addition, located in Section 33, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

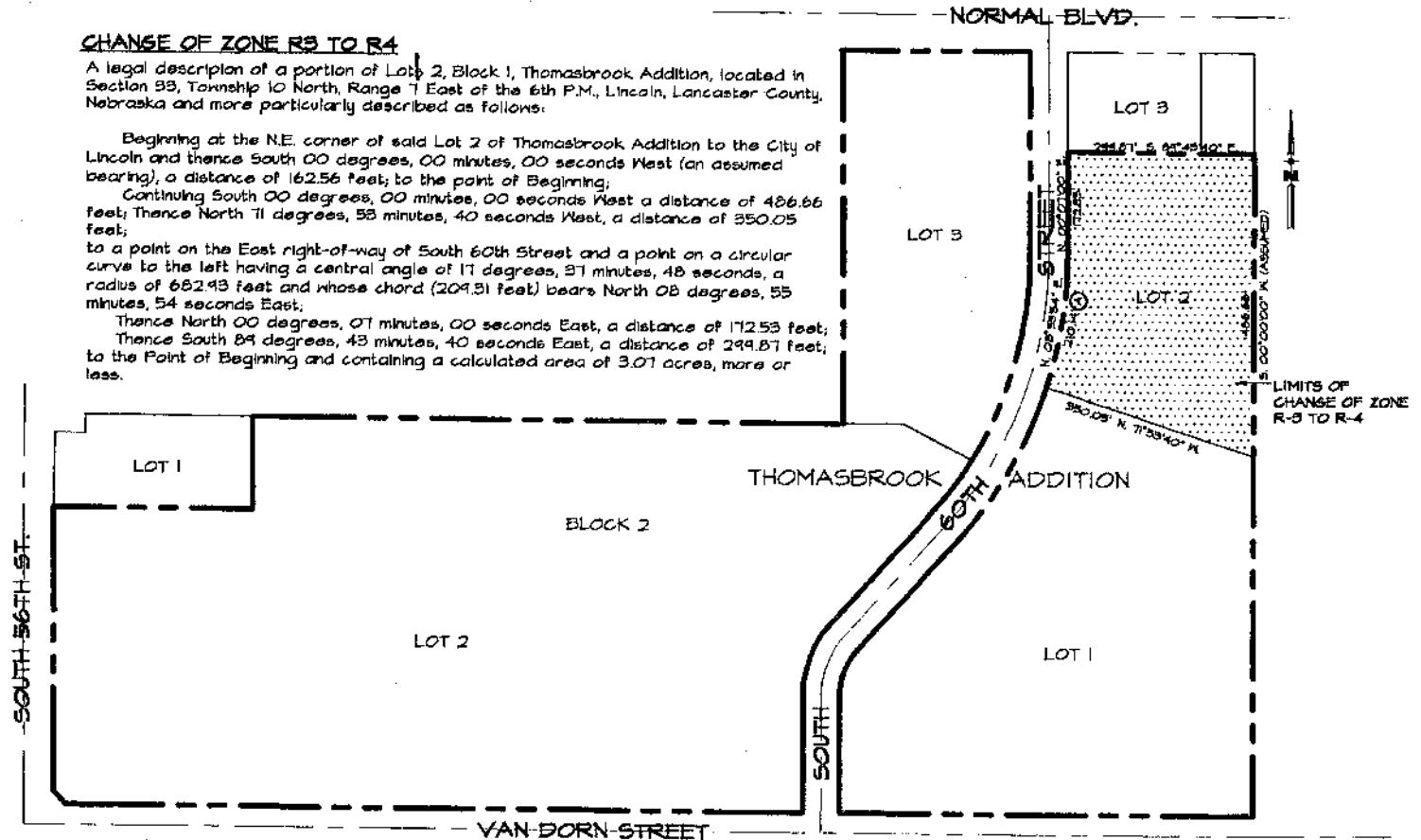
Beginning at the N.E. corner of said Lot 2 of Thomasbrook Addition to the City of Lincoln and thence South 00 degrees, 00 minutes, 00 seconds West (an assumed bearing), a distance of 162.56 feet; to the point of Beginning;

Continuing South 00 degrees, 00 minutes, 00 seconds West a distance of 486.66 feet; Thence North 71 degrees, 53 minutes, 40 seconds West, a distance of 350.05 feet;

to a point on the East right-of-way of South 60th Street and a point on a circular curve to the left having a central angle of 17 degrees, 37 minutes, 48 seconds, a radius of 682.93 feet and whose chord (209.31 feet) bears North 08 degrees, 55 minutes, 54 seconds East;

Thence North 00 degrees, 07 minutes, 00 seconds East, a distance of 172.53 feet;

Thence South 89 degrees, 43 minutes, 40 seconds East, a distance of 299.87 feet; to the Point of Beginning and containing a calculated area of 3.07 acres, more or less.



Date:

6/13/01



North



## CHANGE OF ZONE R3 TO R4

A legal description of a portion of Lot 2, Block 1, Thomasbrook Addition, located in Section 33, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

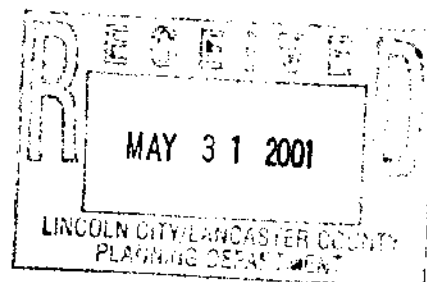
Beginning at the N.E. corner of said Lot 2 of Thomasbrook Addition to the City of Lincoln and thence South 00 degrees, 00 minutes, 00 seconds West (an assumed bearing), a distance of 162.56 feet; to the point of Beginning;

Continuing South 00 degrees, 00 minutes, 00 seconds West a distance of 486.66 feet; Thence North 71 degrees, 53 minutes, 40 seconds West, a distance of 350.05 feet;

to a point on the East right-of-way of South 60th Street and a point on a circular curve to the left having a central angle of 17 degrees, 37 minutes, 48 seconds, a radius of 682.93 feet and whose chord (209.31 feet) bears North 08 degrees, 55 minutes, 54 seconds East;

Thence North 00 degrees, 07 minutes, 00 seconds East, a distance of 172.53 feet;

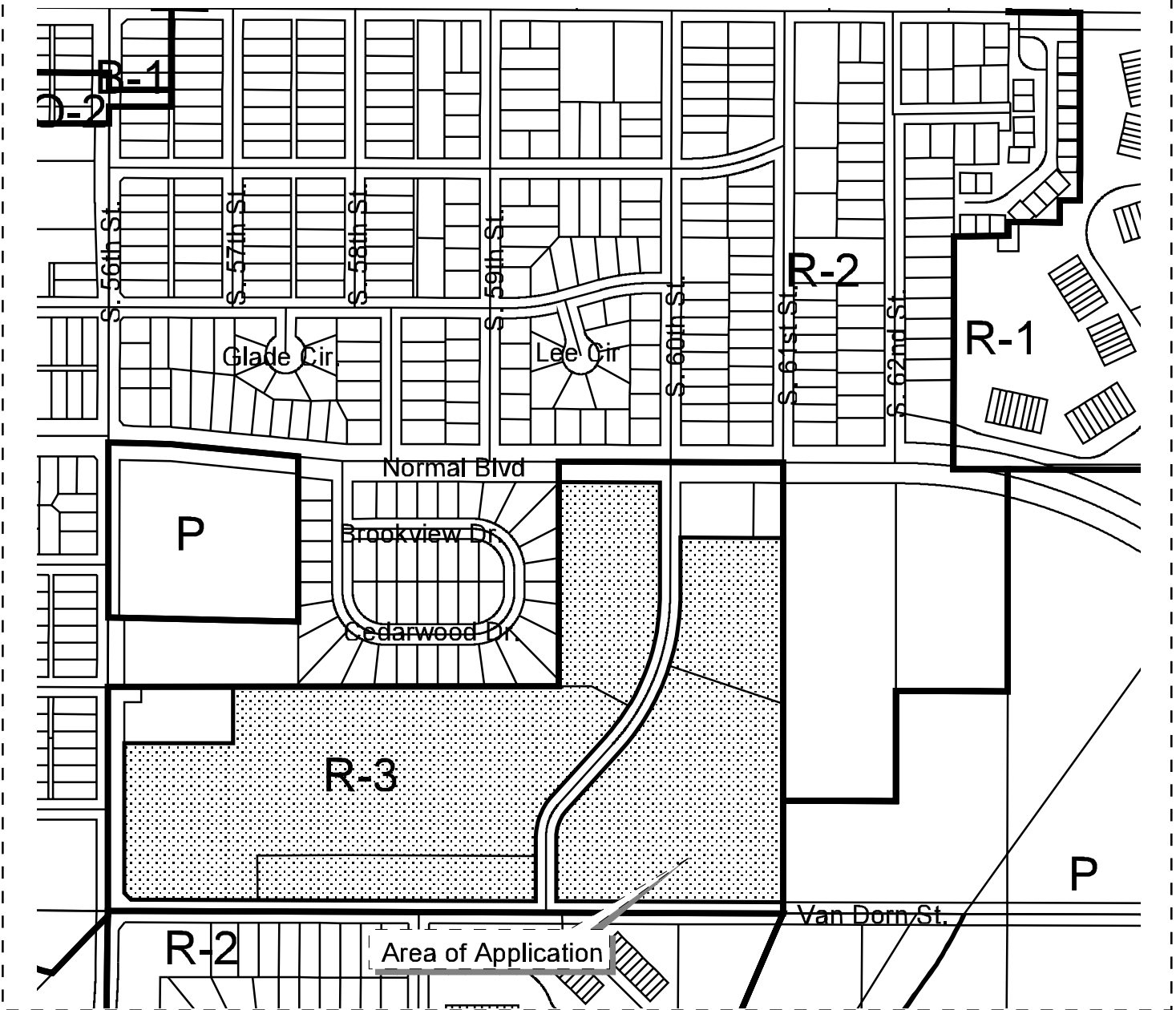
Thence South 89 degrees, 43 minutes, 40 seconds East, a distance of 299.87 feet; to the Point of Beginning and containing a calculated area of 3.07 acres, more or less.





**Special Permit #572E**  
**60th & Normal Blvd.**

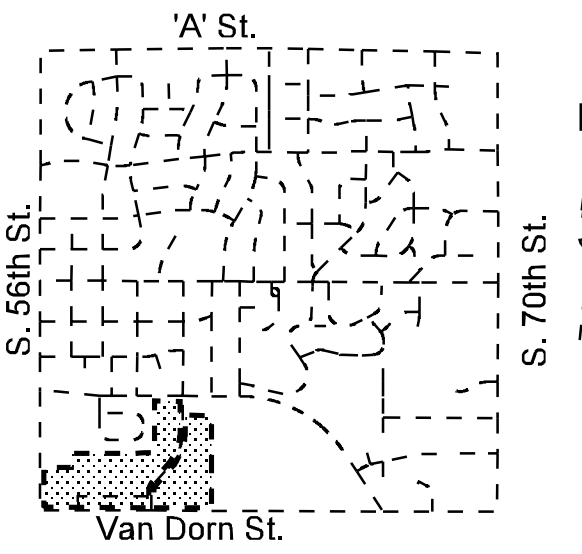
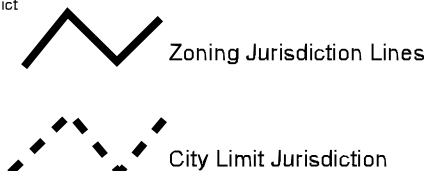




**Special Permit #572E**  
**60th & Normal Blvd.**

- Zoning:**
- R-1 to R-8 Residential District
  - AG Agricultural District
  - AGR Agricultural Residential District
  - R-C Residential Conservation District
  - O-1 Office District
  - O-2 Suburban Office District
  - O-3 Office Park District
  - R-T Residential Transition District
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  - H-1 Interstate Commercial District
  - H-2 Highway Business District
  - H-3 Highway Commercial District
  - H-4 General Commercial District
  - I-1 Industrial District
  - I-2 Industrial Park District
  - I-3 Employment Center District
  - P Public Use District

One Square Mile  
 Sec. 33 T10N R7E



## Date:



North



scale & 1" = 100'



CHANGE OF ZONE #3326  
THOMASBROOK COMMUNITY UNIT PLAN  
PROPOSED ZONING

**DENSITY CALCULATION FOR THOMASBROOK**

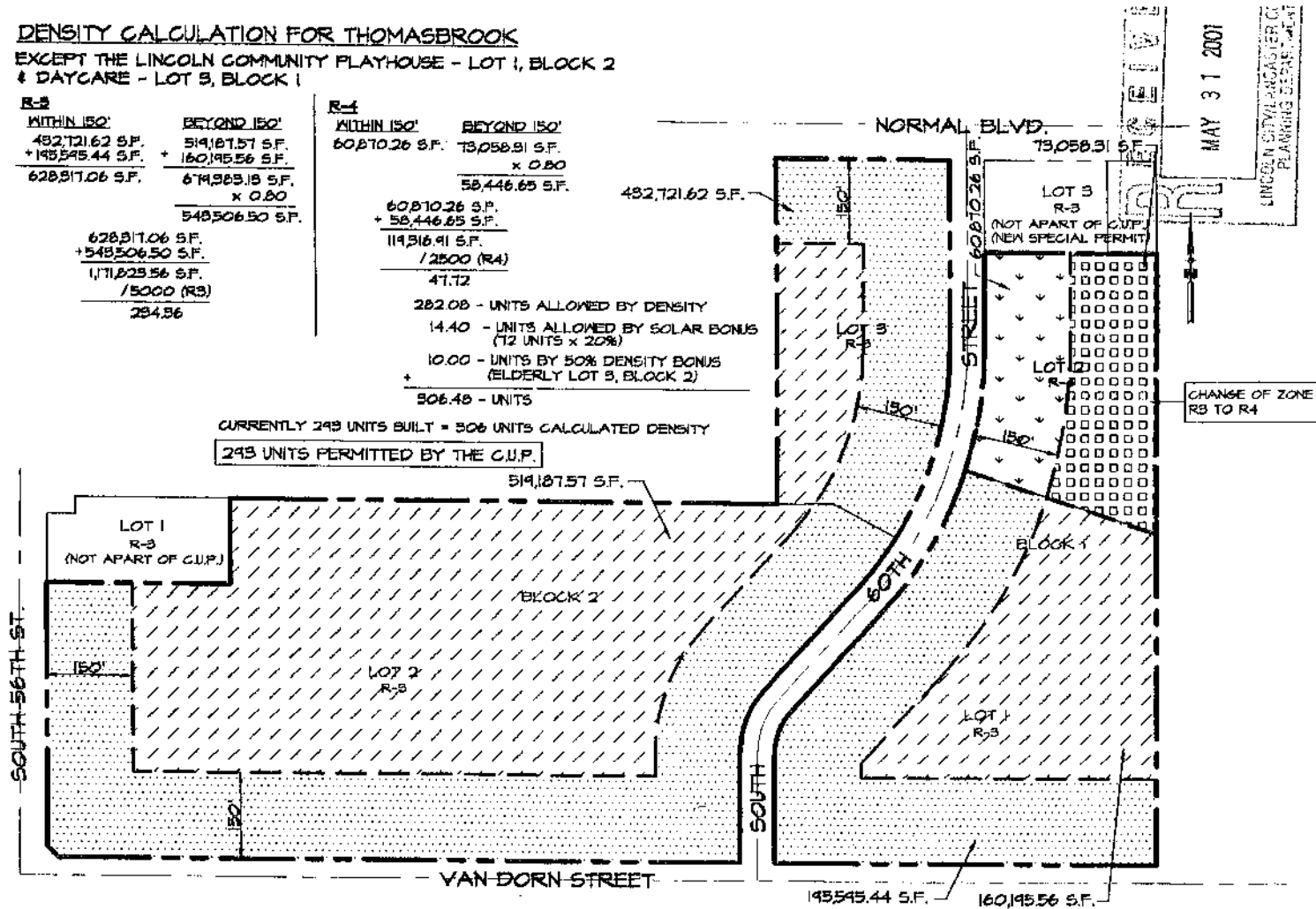
EXCEPT THE LINCOLN COMMUNITY PLAYHOUSE - LOT 1, BLOCK 2  
& DAYCARE - LOT 3, BLOCK 1

R-3	
WITHIN 150'	BEYOND 150'
482,721.62 S.F.	519,187.57 S.F.
+ 195,545.44 S.F.	+ 160,195.56 S.F.
628,917.06 S.F.	679,383.13 S.F.
	x 0.80
	543,506.50 S.F.
628,917.06 S.F.	
+ 543,506.50 S.F.	
1,172,423.56 S.F.	
/ 5000 (R3)	
234.36	

R-4	
WITHIN 150'	BEYOND 150'
608,102.26 S.F.	73,058.31 S.F.
	x 0.80
	58,446.65 S.F.
608,102.26 S.F.	
+ 58,446.65 S.F.	
119,318.91 S.F.	
/ 2500 (R4)	
47.72	
282.08 - UNITS ALLOWED BY DENSITY	
14.40 - UNITS ALLOWED BY SOLAR BONUS	
(12 UNITS x 20%)	
10.00 - UNITS BY 50% DENSITY BONUS	
(ELDERLY LOT 3, BLOCK 2)	
+	
306.48 - UNITS	

CURRENTLY 293 UNITS BUILT = 306 UNITS CALCULATED DENSITY

293 UNITS PERMITTED BY THE C.U.P.



Date:

10/13/01



North

# LEGAL DESCRIPTION: COMMUNITY UNIT PLAN

A legal description of Lots 2 and 3, Block 2 and Lots 1 and a portion of Lot 2, Block 1 of Thomasbrook Addition, located in Section 33, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska and more particularly described as follows:

Commencing at the southwest corner of the southwest quarter of said Section 33 and extending thence S 89 55' 00" E, 48.00 feet;

Thence N 00 10' 00" E, 53.00 feet to the point of beginning;

Thence continuing N 00 10' 00" E on the east line of S. 56th Street, 461.12 feet;

Thence S 89 53' 20" E, 320.00 feet;

Thence N 00 10' 00" E, 150.00 feet;

Thence S 89 53' 20" E, 953.93 feet;

Thence N 00 14' 10" W, 602.47 feet to the south line of Normal Boulevard;

Thence S 89 52' 35" E, on said south line, 301.76 feet;

Thence S 00 07' 00" W, 334.31 feet to the point of curvature of a circular curve to the right having a central angle of 41 58' and a radius of 622.93 feet;

Thence on the arc of said circular curve, 456.27 feet to the point of tangency;

Thence S 42 05' 00" W 238.00 feet to the point of curvature of a circular curve to the left having a central angle of 42 00' and a radius of 170.66 feet;

Thence on the arc of said circular curve 125.10 feet to the point of tangency;

Thence S 00 03' 00" W, 191.00 feet to the north line of Van Dorn Street;

Thence N 89 55' 00" W, on said north line, 1190.00 feet;

Thence N 44 50' 00" W, 28.28 feet to the point of beginning, containing 21.85 acres, more or less.

and

Commencing at the southwest corner of the southwest quarter of said Section 33, and extending thence S 89 55' 00" E, 1318.00 feet;

Thence N 00 05' 00" E, 33.00 feet to the point of beginning;

Thence N 00 05' 00" E, 191.00 feet to the point of curvature of a circular curve to the right having a central angle of 42 00' and a radius of 110.66 feet;

Thence on the arc of said circular curve, 81.12 feet to the point of tangency;

Thence N 42 05' 00" E, 238.00 feet to the point of curvature of a circular curve to the left having a central angle of 41 58' and a radius of 682.93 feet;

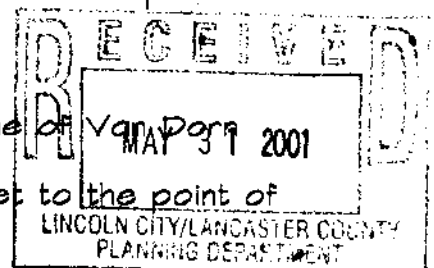
Thence on the arc of said circular curve, 500.22 feet to the point of tangency;

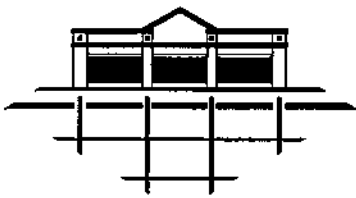
Thence N 00 07' 00" E, 172.43 feet;

Thence S 89 43' 40" E, 299.87 feet;

Thence S 00 00' 00" E 1069.98 feet to the north line of Van Dorn Street;

Thence N 89 55' 00" W, on said north line, 664.67 feet to the point of beginning, containing 11.20 acres, more or less.





**BRIAN D. CARSTENS AND ASSOCIATES**  
**LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN**  
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

May 31, 2001

Ms. Kathleen A. Sellman, AICP  
Director of Planning  
City of Lincoln/ Lancaster County  
555 South 10th Street  
Lincoln, NE 68508

RE: THOMASBROOK ADDITION - S. 60TH & NORMAL BLVD.  
AMENDED COMMUNITY UNIT PLAN #572D & CHANGE OF ZONE R-3 TO R-4

Dear Ms. Sellman,

On behalf of Thomasbrook Properties, we are submitting an Amended Community Unit Plan for Thomasbrook Addition. The intent of this submittal is to remove the daycare facility and Community Playhouse lot expansion from the limits of the Community Unit Plan. This will allow the apartments and townhomes to stand-alone. Along with this permit we are also requesting a change of zone from R-3 to R-4 on a portion of the property to allow these lots to be removed and not have a net lose of density for the units that are currently built and in use. We are requesting no additional units. In a separate application we are amending the Daycare Special Permit to pull the additional land the east of the existing daycare into the Special Permit.

Please contact me if you have any further questions or comments.

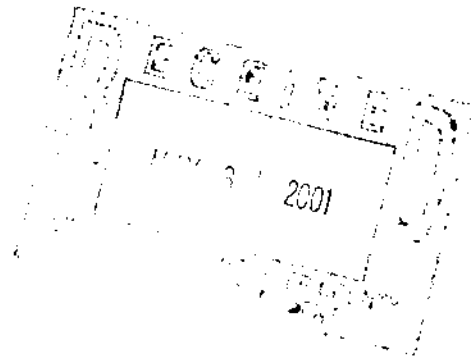
Sincerely,

Brian D. Carstens

cc: Jerome Lang  
Tom Wentz Jr.  
Ken and Kathy Cook

**ENCLOSURES:**

16 Sets of Sheets 1 thru 6  
Application for a Special Permit & Change of Zone  
Application Fees of \$195.00 & \$290.00  
Change of Zone Exhibit



# M e m o r a n d u m

**To:** Ray Hill, Planning Department ~ *BECKY*

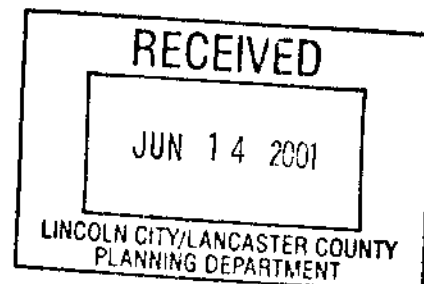
**From:** Dennis Bartels, Public Works & Utilities

**Subject:** Change of Zone R3 to R4 and Amended CUP for Thomasbrook

**Date:** June 13, 2001

**cc:** Roger Figard, Nicole Fleck-Tooze

Public Works has no objections to the proposed change of zone. The change of zone and amended CUP do not change land use or density.





# Memorandum

**To:** Ray Hill, Planning  
**From:** JJ Yost, Parks and Recreation  
**Date:** June 14, 2001  
**Re:** Thomasbrook Addition – Special Permit/CUP

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Parks and Recreation Department staff have reviewed the above-referenced proposal and have the following comments:

- 1) It appears that the use areas of the CUP are being adjusted. This may allow review of street trees along Normal Blvd., South 60<sup>th</sup> Street, and Van Dorn Street for compliance with current standards.
  - 2) The Landscape Plan (revised 5/30/01) doesn't show the existing trees which need to be shown. South 60<sup>th</sup> Street has three Swamp White Oak Street Trees located between curb and walks. Other Swamp White Oaks, Spruce and other existing plant materials are on the Normal Boulevard side of the property. All the trees are healthy and should not be removed.
  - 3) Austrian Pine should not be planted due to serious Tip blight disease problems. Use Colorado Blue Spruce.
  - 4) Submit a revised landscape plan showing existing trees and trees to be planted.
- Please phone me at 441-8255 with any questions.

